

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MICHAEL D. HOLINESS, #22657-078

VS.

UNITED STATES OF AMERICA

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**CIVIL ACTION NO. 4:20cv91
CRIMINAL ACTION NO. 4:14cr120(1)**

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #15) concluding that the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 should be dismissed without prejudice as successive. No objections have been timely filed.

The Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant's motion to vacate, set aside, or correct sentence (Dkt. #1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice to Movant's right to file a motion for leave to file a successive § 2255 motion in the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. §§ 2244(b)(3)(A), 2255.

All motions by either party not previously ruled upon are **DENIED**.

SIGNED this 8th day of March, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE